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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 5TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE CHANDRASHEKARAIAH

WRIT PETITION NO.14619/1998

BETWEEN:

Paneer Selvam

s/o Sri.Padmanabhan,

aged about 33 yrs,

r/o No.160, Raghavendra layout,

Chickalasandra village

Padmanabha Nagar (Ward No.55)

Uttarahalli taluk

Bangalore.

..petitioner

(By M/s C.N.Venugopal & Assts)

AND:

1. The Commissioner,

B.C.C. Bangalore.

2. Assistant Executive Engineer,

Padmanabhanagar (Range)

Bangalore Mahanagar palike,

Bangalore.

..Resps

(By Sri K.N.Puttegowda for Resps)

W.P filed u/a 226 & 227 of the constitution of India with an affidavit praying to: Direct to stay the proceeding initiated by the respondents in respect of the shedule property and to permit the petitioner to resume the construction work without any interuption pending disposal of the dispute on the alleged deviations as per the provisional order dated 30.4.98 issued under section 321(1) of the Karnataka Municipality Act vide Ann.F and etc.,

W.P Coming on for Prly.hg this day, the court made the following:

ORDER

The petitioner in this petition has challenged the provisional order passed under Sec.321(1) of the KMC Act (Annexure-F) apprehending that the Corporation is taking steps to demolish the building put up by the petitioner.

The Corporation without passing a final order under Sec.321(3) of the Act, has no power to demolish the building. Therefore, there is no reason for the petitioner to apprehend any such

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such demolition by the Corporation. In the said view of the matter, this petition is rejected.

The Petitioner is restrained from putting up any construction contrary to the approved plan till final order is passed under Sec.321(3) of the Act.

Sd/-Judge.

Cu

r.by: *[Signature]*

c.by: *[Signature]*  
16/6/98

**COPY**

*[Signature]*

Assistant Registrar  
High Court of Karnataka  
Bangalore-560 001

*[Signature]*  
23/6/98

